

The newly discovered maxim that large financial institutions are international in life, but strictly domestic in death, presents huge complications that cannot be ignored in any serious attempt to avert future crises for the global economy. How can recapitalisation of a major banking group work? What kinds of instruments are needed? How can a common approach across jurisdictions be achieved?

With this session the Task Force enters its final stage. A panel of experts will discuss possible ideas, proposals and recommendations for dealing with these issues, which will form the basis for the Task Force's final report.

Speakers

Randall Guynn *Davis Polk & Wardwell, New York, USA*
Ko Hanamizu *Anderson Mōri & Tomotsune, Tokyo, Japan*
Dr Thomas Huertas *Director Financial Services Authority, Alternative Chair European Banking Authority, Bad Homburg, Germany*
Mathias Otto *Senior Counsel, Deutsche Bank, Frankfurt, Germany*
Markus Pfenninger *Walder Wyss Ltd, Zurich, Switzerland*
Charles Randell *Slaughter & May, London, England*
Giuseppe Siani *Chair of Basel Working Group on Contingent Capital and Senior Policy Advisor, Bank of Italy, Rome, Italy*

AJMAN D, FIRST FLOOR

Shareholder activism – how shareholders drive change and how boards and advisers respond

Presented by the Securities Law Committee.

Session Chair

Jeffrey R Lloyd *Blake Cassels & Graydon, Toronto, Ontario, Canada; Regional Representative North America; Securities Law Committee*

Institutional shareholders have become increasingly active in recent years in monitoring performance and corporate governance practices of companies in which they invest, and in taking action to effect change when they feel it is warranted. This session will examine the principal objectives of activist shareholders, and the tactics that are available to them to achieve their objectives, including demanding direct communication with boards, making proposals at shareholder meetings, requisitioning shareholder meetings, and engaging in proxy battles. It will also consider what steps boards of directors can take to avoid being subjected to shareholder activism and to respond to activist shareholders. The panel will discuss key regulatory considerations and recent developments that affect activist shareholders and boards of directors in responding to them.

Speakers

Pablo Andres Artagaveytia *Marval O'Farrell, Buenos Aires, Argentina*
Craig Cleaver *Slaughter and May, London, England; Secretary, Corporate and M&A Law Committee*
Dieter Gericke *Homburger, Zurich, Switzerland; Vice-Chair, Mergers and Acquisitions Subcommittee*
Sharon Henrick *Mallesons Stephen Jaques, Sydney, New South Wales, Australia*
Allard Metzelaar *Stibbe, Amsterdam, the Netherlands*
David Rockwell *Sullivan & Cromwell, London, England; Senior Vice-Chair, Securities Law Committee*

SHEIKH MAKTOUM HALL B, GROUND FLOOR

The IBA rules for investor-state mediation

Presented by the State Mediation Subcommittee.

Session Co-Chairs

Anna Joubin-Bret *United Nations Conference on Trade and Development (UNCTAD), Geneva, Switzerland; Co-Chair, State Mediation Subcommittee*
Barton Legum *Salans, Paris, France; Co-Chair, State Mediation Subcommittee*

Investor-state mediation has developed considerable momentum in recent years. The existing legal infrastructure on the topic, however, is dated. The State Mediation Subcommittee's past work has identified a number of ways in which investor-state mediation can be improved and promoted. One of these is through rules for mediation specifically adapted to this context.

This session will present, evaluate and critique a draft set of mediation rules prepared by a working group established for that purpose. Members of the working group will discuss the policy choices made and the internal debates that resulted in them. The session will also include an extensive opportunity for comment and suggestions from the delegates present. The draft will be revised in response to the commentary at the Annual Conference – and so this session offers an opportunity to have a real impact on the investor-state mediation rules presented for adoption.

Speakers

Linn Bergman *Arbitration Institute of the Stockholm Chamber of Commerce (SCC), Stockholm, Sweden*
Jack J Coe Jr *Pepperdine University – School of Law, Malibu, California, USA*
Roberto Echandi *World Trade Institute (WTI), University of Bern, Bern, Switzerland*
Aguie Lendor *Dominican Republic Center for Export and Investment, Santo Domingo, Dominican Republic*
Barry Leon *Perley-Robertson Hill & McDougall, Ottawa, Ontario, Canada*
Eloïse Obadia *International Centre for Settlement of Investment Disputes (ICSID) Washington DC, USA*
Michael Ostrove *DLA Piper, Paris, France*
Hannah F Tümpel *ICC Dispute Resolution Services, Paris, France*

SHEIKH RASHID HALL C, GROUND FLOOR

Trade compliance through enforcement: export controls and sanctions

Presented by the Business Crime Committee.

Session Co-Chairs

Marc Henzelin *Lalive, Geneva, Switzerland; Co-Chair, Business Crime Committee*
Mark Rochon *Miller & Chevalier Chartered, Washington DC, USA; Senior Vice-Chair, Business Crime Committee*

Individuals and businesses face an ever-increasingly complex legal landscape for export control laws and sanctions. A patchwork of overlapping and perhaps conflicting laws from different jurisdictions may simultaneously govern any particular actor, leading to confusion as to what acts may or may not be permitted. To further compound the problem, the laws of some jurisdictions may apply extraterritorially to actors, unbeknown to them. Finally, despite the advent of anti-discrimination laws and ever-increasing globalisation, nationality of an individual continues to be an important factor under export control laws and sanctions to determine whether a particular act is permitted. This panel will examine these timely and important issues facing global actors. It will do so by using a case-study approach to demonstrate how the issues affect global actors in an everyday, real-world context.

Speakers

Louise Delahunty *Sullivan & Cromwell, London, England*
Aurélien Hamelle *Metzner Associés, Paris, France*
Lisa Prager *Morvillo Abramowitz Grand Iason Anello & Bohrer PC, New York, USA*
Jacques Rayroud *Federal Prosecutor's Office, Bern, Switzerland*

DUBAI E+F, FIRST FLOOR